

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

DAVID CATLIN, et al.,

Defendants.

Case No. 2:23-cv-00210-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTIONS FOR SUMMARY
JUDGMENT AND FOR ENTRY OF
DEFAULT JUDGMENT

(Doc. Nos. 50, 57, 63, 66)

Plaintiff, a state prisoner proceeding *pro se* and *in forma pauperis*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 28, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motions for summary judgment (Doc. Nos. 50, 63), be denied without prejudice to renewal and that plaintiff's motion for entry of default judgment (Doc. No. 57), also be denied. (Doc. No. 66) Specifically, the magistrate judge concluded that plaintiff's motions for summary judgment were premature since no discovery had been conducted in this case and a scheduling order had not even been issued at that time. (*Id.* at 1–2.) The magistrate judge recommended that plaintiff's motion for default judgment be denied because defendants had filed an answer to plaintiff's complaint and therefore there was no basis for the granting of plaintiff's motion. (*Id.* at 2.)

1 The pending findings and recommendations were served on the parties and contained
2 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*)
3 To date, no objections to the findings and recommendations have been filed, and the time in
4 which to do so has now passed.¹

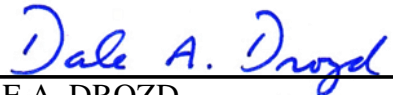
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
6 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
7 findings and recommendations are supported by the record and by proper analysis.

8 Accordingly:

- 9 1. The findings and recommendations issued on February 28, 2025 (Doc. No. 66), are
10 adopted in full;
- 11 2. Plaintiff's motions for summary judgment (Doc. Nos. 50, 63), are DENIED without
12 prejudice to renewal following the close of discovery in this case;
- 13 3. Plaintiff's motion for entry of default judgment (Doc. No. 57), is DENIED; and
- 14 4. This matter is referred back to the assigned magistrate judge for all further pretrial
15 proceedings.

16 IT IS SO ORDERED.

17 Dated: March 20, 2025

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19 DALE A. DROZD
20 UNITED STATES DISTRICT JUDGE
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26 ¹ On March 7, 2025, the court received from plaintiff a document which he characterized in part
27 as relating to "adjudications by way of law and agreed statements by settled laws relied upon to
28 resolve case in chief." (Doc. No. 68.) The document is difficult to decipher but, in any event, in
no way appears to be an objection to the pending findings and recommendations.